

does government have the power to force citizens to buy anything. And further, if a citizen or business doesn't purchase the insurance, a criminal fine masquerading as a tax is imposed without benefit of a jury trial or legal representation. If the citizen cannot afford the fine, do they go to jail without constitutional protections?

This bill is an affront to individual liberty. It denies the citizen of life, liberty and property, and violates due process of law under the fifth amendment.

The false analogy that citizens must buy car insurance is not applicable. Driving is a privilege and an option regulated by the States. No one is forced to own or drive a car. Here everyone is forced to buy insurance or face a criminal penalty.

Somewhere in this debate we ought to be concerned with the Federal Government bruising the Constitution.

And that's just the way it is.

#### HEALTH CARE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, well, 140 days after the Republican leaders promised a health care plan, it was leaked. It is a bold proposal. I think it was actually drafted downtown by the health insurance industry association, just like their prescription drug bill was drafted by the pharmaceutical industry.

Now the Democrats' bill outlaws the most abusive practices of the insurance industry: preexisting condition exclusion policy cancellation when you get sick, called rescission. Not the Republicans, they can still cancel your policy when you get sick. Even if you have been paying your premiums, they can still discriminate against your preexisting conditions. The Republicans wouldn't touch that one.

Now the Republicans actually are going to facilitate further abuses. The Democrats rescind the antitrust exemption of the insurance industry. Not the Republicans. In fact, they are creating a new safe haven for this industry. The industry can sell a national policy which will solve all of the problems, but they can go to any State they choose to sell that policy from.

They will choose the most abusive, least regulated State in the Union. And if you live in Oregon and you have a complaint about your insurance provider, you will have to file it in Delaware with the corporation commissioner. No, give it to the Republicans, new safe havens for the abusive insurance industry. Good work, guys.

#### SHALL V. MAY PELOSI TAKEOVER BILL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to join Congressmen FLEMING, GINGREY, HELLER, and HERGER to introduce an amendment to automatically enroll all Members of Congress in the government-run option.

In the Education and Labor Committee, I was able to pass the amendment requiring Congress to take the government-run option, but the Pelosi takeover plan changes the word which would make Congress take the government-run option being pushed on the American people. That one small "may" reverses the meaning of the bill.

If Speaker PELOSI insists on shoving this bill through, then I believe Members of Congress should take the government-run option. If it is good enough for the American people, then it is good enough to Congress.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism. Congratulations to State Representative-elect Ralph Norman and Elaine of Rock Hill, South Carolina, for their overwhelming victory yesterday.

#### HEALTH CARE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, on the most important issue this Congress will consider, what was so egregious that dozens of my Republican colleagues paraded to the floor yesterday to make passionate speeches in opposition to the Affordable Health Care for America Act? I shall tell you. It was the fact that the word "shall" appeared 3,400 times in the bill.

Well, that is an interesting point, but it also reveals a certain amount of amnesia about law writing and civilization. After all, one of our most important and formative laws had the word "shall" in every sentence: You shall honor your father and mother. You shall recognize the Sabbath to keep it holy. You shall not covet. You shall not steal. You shall not murder. And most importantly probably for this debate in this House, You shall not bear false witness.

Mr. Speaker, if this is all the Republicans have, I say let's talk about font size or paper color. No, millions of Americans are suffering because of lack of health care. They cannot afford it. Eighteen thousand are dying a year. Almost a million are going bankrupt because of health care costs. We shall give America the health care reform they deserve.

#### HEALTH CARE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, according to the experts at

CMS, the Democrats' health care bill is bad news for seniors. Seniors citizens have a right to know that the cost for Pelosi's trillion dollar government takeover of health care is paid for with almost \$500 billion in Medicare cuts.

First, millions of seniors will lose their health plans. The experts predict that enrollment in Medicare Advantage will decline 64 percent, and that Medicare benefits will be cut for 11 million seniors enrolled in Medicare Advantage.

Second, according to the Congressional Budget Office, the Democrat health plan will increase the cost of Medicare prescription drug premiums by 20 percent. Seniors will literally lose their right to choose. Cutting the benefits seniors are entitled to in the name of creating government-run health insurance is just wrong.

Seniors want, need, and deserve better from America.

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#### HEALTH REFORM—MEDICARE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of national comprehensive health care reform for all Americans.

Since its creation under the direction of President Lyndon Johnson, Medicare has proved to be one of the great success stories of the Federal Government. We want to improve the solvency of the program to ensure our seniors today continue to enjoy the program and that our children will be able to collect Medicare benefits in the future.

H.R. 3962, the Affordable Health Care for America Act, does not endanger traditional Medicare, but it does immediately improve the program. Currently, there are 56,000 Medicare beneficiaries in the 29th Congressional District in Texas that I represent. H.R. 3962 improves their Medicare benefits by providing free preventative and wellness care, improving primary and coordinated care, improving nursing home quality, and strengthening the Medicare Trust Fund.

Each year, 4,400 seniors in our district hit the doughnut hole and are forced to pay for drug costs despite having part D coverage. This legislation will provide these seniors with immediate relief, covering the first \$500 of doughnut hole costs next year, cutting brand-name drug costs in the doughnut hole by 50 percent, and completely eliminating the doughnut hole by 2019.

Mr. Speaker, that's why we need H.R. 3962, to improve health care for our seniors and all Americans.

#### HEALTH CARE AMENDMENTS REMOVED

(Mr. PITTS asked and was given permission to address the House for 1